

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ILLUMINATION DYNAMICS CO., LTD., a
foreign company,

Plaintiff,

vs.

PACIFIC LIGHTING SOLUTIONS L.L.C.,
and BILL ZHANG, an individual,

Defendants.

Case No: C 14-0078

**ORDER RE SERVICE ON
DEFENDANT BILL ZHANG**

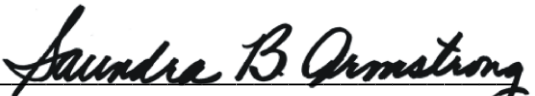
On January 16, 2014, Plaintiff Illumination Dynamics (“Plaintiff”) commenced the instant breach of contract action against Defendants Pacific Lighting Solutions L.L.C. and Bill Zhang (“Zhang”), who resides in China. Plaintiff filed a First Amended Complaint on March 19, 2014, and a Second Amended Complaint on July 30, 2014. Dkt. 30, 66. In a filing submitted on December 16, 2014, the parties indicate that Zhang has not yet been served. Dkt. 79 at 2.

Federal Rule of Civil Procedure 4(m) requires that service of process be effectuated on all defendants within 120 days after the filing of the complaint. Rule 4(m)’s 120-day time limit, however, does not apply to foreign defendants. See Lucas v. Natoli, 936 F.2d 432 (9th Cir. 1991). Nevertheless, “the amount of time allowed for foreign service is not unlimited.” Nylok Corp. v. Fastener World Inc., 396 F.3d 805, 807 (7th Cir. 2005). A district court thus has the discretion to impose reasonable time limits for service on foreign defendants. Mitchell v. Theriault, 516 F. Supp. 2d 450, 458 (M.D. Pa. 2007) (imposing 120-day time limit to effect service on a foreign defendant after the action had been pending for three months).

1 Although the instant action has been pending for over a year, Zhang remains to be
2 served and there is no indication in the record when service will be effectuated. Given that
3 various impending deadlines under the Court's pretrial order, including a trial date of July
4 13, 2015¹, it is imperative that Plaintiff effectuate service on Zhang forthwith.
5 Accordingly, Plaintiff has one hundred and twenty (120) days from the date this order is
6 filed in which to effect proper service of process on Defendant Zhang. In the event
7 Plaintiff fails to comply with this Order, the Court may dismiss Zhang from the action.

8 IT IS SO ORDERED.

9 Dated: January 30, 2015


SAUNDRA BROWN ARMSTRONG
United States District Judge

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¹ The parties' request to enlarge the pretrial schedule by three months will be
addressed in a separate order. Dkt. 79.